



1 allegations.

2 Although petitioner attaches a copy of a petition allegedly  
 3 prepared for the Ninth Circuit Court of Appeals, that petition  
 4 indicates <sup>that</sup> it challenges petitioner's <sup>'s</sup> sentence. [Petition, Attachment 2  
 5 at 2]. In any <sup>event</sup> <sup>^</sup> case, that petition is equally indecipherable. For  
 6 example, in the single claim for relief, petitioner alleges the  
 7 following:

8 Murder 1 and 1 robbery and immunity and murder 1 degree 9th  
 9 Circuit Rules 22.1 and Federal.R.App.P.22(b), 28 U.S.C. §  
 10 753(F) Federal R.App.P.25(A)(2)(B). Case: Price vs.  
 11 Georgia (1970 of 1977) The 9th Circuit Rule 3-3. Federal  
 12 Rules. App.P. 28-32-5....

13 [Petition, Attachment 2 at 3].

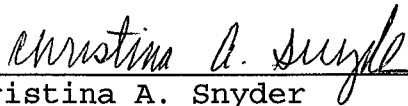
14 Rule 4 of the Rules Governing Section 2254 Cases provides that  
 15 the Court shall summarily dismiss a petition "[i]f it plainly appears  
 16 from the petition and any attached exhibits that the petitioner is not  
 17 entitled to relief...." Summary dismissal pursuant to Rule 4 is  
 18 appropriate only where the allegations in the petition are "vague or  
 19 conclusory," "palpably incredible," or "patently frivolous or false."  
 20 Hendricks v. Vasquez, 908 F.2d 490, 491 (9th Cir. 1990) (quoting  
 21 Blackledge v. Allison, 431 U.S. 63, 75-76 (1977)). As pleaded, the  
 22 petition filed in this case is subject to summary dismissal because  
 23 the allegations are vague, incredible, and frivolous. See generally  
 24 O'Bremski v. Maass, 915 F.2d 418, 420 (9th Cir. 1990) (explaining that  
 25 "notice pleading is not sufficient," and that the petition must state  
 26 facts pointing to a "real possibility of constitutional  
 27 error") (quoting Blackledge, 431 U.S. at 75 n. 7), cert. denied, 498  
 28 U.S. 1096 (1991).

1 Furthermore, to the extent that petitioner attempts to challenge  
2 his 2001 murder conviction, this court lacks jurisdiction over his  
3 petition. This is the fifth habeas petition petitioner has filed in  
4 this Court.<sup>1</sup> The first petition, filed in Case No. CV 03-7528-  
5 FMC(AJW), challenged petitioner's 2001 murder conviction in the Los  
6 Angeles County Superior Court. That petition was denied on the merits  
7 on June 8, 2004. Petitioner filed a second petition challenging the  
8 same conviction, in Case No. CV 04-4250-R(AJW). That petition was  
9 dismissed as successive on August 25, 2004. Petitioner's third  
10 petition, filed in Case No. CV 11-4338-CAS(AJW), was dismissed on July  
11 19, 2011. Petitioner's fourth petition, filed in Case No. CV 11-4691-  
12 CAS(AJW), was dismissed on June 10, 2011. If petitioner again seeks  
13 to challenge petitioner's 2001 murder conviction, the petition must be  
14 dismissed as successive. See 28 U.S.C. §§ 2244(b)(2) & 2244(b)(3); see  
15 Felker v. Turpin, 518 U.S. 651, 656-657 (1996); Greenawalt v. Stewart,  
16 105 F.3d 1268, 1277 (9th Cir.), cert. denied, 519 U.S. 1102 (1997).

17 For the foregoing reasons, the petition is dismissed.

18 **It is so ordered.**

19  
20 Dated: 9/30/11

21  
22   
23 Christina A. Snyder  
24 United States District Judge  
25  
26

27 <sup>1</sup> Many of the facts are obtained from the Court's files concerning  
28 petitioner's prior petitions. The Court may take judicial notice of such  
official court files. See Fed.R.Evid. 201; Lee v. City of Los Angeles,  
250 F.3d 668, 688 (9th Cir. 2001).